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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE, Plaintiff and Respondent, v. FREDDY DAWOUD, Defendant and Appellant.	B269308 (Los Angeles County Super. Ct. No. BA418043)

APPEAL from an order of the Superior Court of Los Angeles County, Laura F. Priver, Judge. Affirmed.

Juliana Drous, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Paul M. Roadarmel, Jr., and Stacy S. Schwartz, Deputy Attorneys General, for Plaintiff and Respondent.

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Defendant Freddy Dawoud pled no contest to one count of child custody deprivation after he took his young son to Egypt without permission from his now ex-wife and the boy's mother. (Pen. Code, § 278.5, subd. (a).) He was sentenced to five years of probation. One probation condition was that he comply with a criminal protective order to stay away from his ex-wife and his children except pursuant to a valid family law visitation order.

He later requested the criminal court terminate the protective condition and allow the family court to control his contact with his children. At a hearing on his request, the criminal court stated it had no objection to the family court allowing defendant *supervised* visits with his children, but expressed concern about unsupervised visits, given the nature of defendant's offense. The court was willing to defer to the family court's expertise on this issue. The court gave defendant two options: leave the protective condition as is, or revise the order to state that if the family court believed defendant should have visits with his children, they should not be unsupervised. Defendant selected the second option. The court ordered that if the family court felt visitation was appropriate, the visits must be supervised, leaving the selection of a professional monitor or an appropriate family member to the family court's discretion. The court specifically noted if the family court ordered *unsupervised* visitation, "at that point [defendant] can come back before this court and the court would, of course, reconsider its order." It explained: "Because I don't think it's fair for him to be caught between a rock and a hard place completely for the rest of his life, so to speak, or at least for the terms of his probation, because he's on probation for 5 years. But if he wants this court to lift the supervision order I'm going to need to know a lot of information."

Defendant appeals the court's order, contending it was unreasonable and unconstitutionally overbroad. We disagree.

A court granting probation may impose " 'reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer . . . .' (Pen. Code, § 1203.1, subd. (j).)" (*People v. Olguin* (2008) 45 Cal.4th 375, 379 (*Olguin*).) "Generally, '[a] condition of probation will not be held invalid unless it "(1) has no relationship to the crime of which the offender was convicted, (2) relates to conduct which is not in itself criminal, and (3) requires or forbids conduct which is not reasonably related to future criminality . . . ." ' " (*Ibid.*; see *People v. Lent* (1975) 15 Cal.3d 481, 486.) This test is conjunctive, so all three prongs must be met before a probation term will be invalidated. (*Olguin*, at p. 379.) We review probation conditions for abuse of discretion. (*Ibid.*)

Defendant's challenge to the visitation condition fails because the condition had a direct relationship to defendant's offense of child custody deprivation and was reasonably related to his future criminality. According to the evidence at the preliminary hearing, defendant fled the country with his son without telling his ex-wife. Then, over the course of several months, he did not indicate he planned to return and only allowed her to speak with their son a "couple of times." She eventually had to go to Egypt to obtain a custody order to bring their son back. The risk that defendant would reoffend was high, given he was an Egyptian citizen, he worked in Egypt, and he had family there. Moreover, if defendant did take their son to

Egypt again, his ex-wife might not be able to secure his return. Egypt does not participate in the Hague Convention[1] and defendant had obtained a "no-exit" order preventing his ex-wife from removing the children if they were in Egypt. The criminal court's refusal to allow unsupervised visits limited the control defendant could exercise over his children and deterred him from committing another abduction, which could potentially deprive his ex-wife of custody permanently.

We also reject defendant's contention the condition was unconstitutionally overbroad. " '[A] probation condition that imposes limitations on a person's constitutional rights must closely tailor those limitations to the purpose of the condition to avoid being invalidated as unconstitutionally overbroad.' " (*Olguin, supra*, 45 Cal.4th at p. 384.) We review constitutional challenges de novo. (*In re Shaun R.* (2010) 188 Cal.App.4th 1129, 1143.) But if the condition does not restrict a constitutional right, we review simply for abuse of discretion under the standards set forth above. (*Olguin, supra*, at p. 384.)

Defendant contends the condition that his visits with his children be supervised impinged on his rights to due process and "to access to the courts to assure his rights regarding visitation of his children." But the court's order in no way prevented him from accessing the courts to obtain visitation. To the contrary, it expressly *allowed* him to seek supervised visitation from the family court. If the family court decided unsupervised visitation was appropriate, the criminal court invited him to seek

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[1] The Hague Convention is an international treaty that aids in the return of abducted children to their home country. (See Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670.)

modification of the criminal protective order to allow unsupervised visitation. And even if the condition did impinge on his right to access the courts, it was carefully tailored and reasonably related to the court's eminently valid concerns defendant was at risk of reoffending.[2]

DISPOSITION

The court's order is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.

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[2] Defendant's analogy to *People v. Perez* (2009) 176 Cal.App.4th 380 is unpersuasive. Unlike the present case, in *Perez*, the overbroad probation condition prohibited the defendant from "attend[ing] *any* Court hearing or be[ing] within 500 feet of *any* Court in which the defendant is neither a defendant nor under subpoena." (*Id.* at p. 383, italics added.) Here, there was no such blanket ban—defendant was permitted to seek supervised visitation with the family court and could return to the criminal court if the family court recommended unsupervised visitation.